

SENATE BILL REPORT

HB 1285

As Reported By Senate Committee On:
Early Learning & K-12 Education, March 26, 2007

Title: An act relating to recodifying the basic education program.

Brief Description: Recodifying the basic education program.

Sponsors: Representatives Anderson, Fromhold, Priest, Quall and Haler.

Brief History: Passed House: 3/10/07, 97-0.

Committee Activity: Early Learning & K-12 Education: 3/22/07, 3/26/07 [DPA].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Holmquist, Ranking Minority Member; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig and Rasmussen.

Staff: Eric Bratton (786-7438)

Background: The Legislature adopted the Basic Education Act (BEA) in 1977 following a ruling by Thurston County Superior Court Judge Robert Doran (the "Doran Decision I"). In that decision, Judge Doran held that the state: (1) had not sufficiently funded a program of basic education; (2) had not expressly defined basic education or determined the substantive contents of a program of basic education; and (3) had failed to provide a method for sufficiently funding basic education without reliance on special levies.

The BEA set forth the goals of basic education and a number of requirements for basic education, including minimum educational program requirements and responsibilities of district and instructional staff. However, in subsequent decisions ("Doran II" and "Doran III"), the courts held that a number of educational programs in addition to the program contained in the BEA are part of the state's constitutional obligation to provide a basic education.

Specifically, the Doran decisions held that the state's constitutional duty to provide a basic program of education includes providing:

- 1) special education programs for children with disabilities;
- 2) transitional bilingual education programs;
- 3) remediation assistance programs (now known as learning assistance programs);
- 4) transportation for some students; and
- 5) vocational education.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The statutes providing for these programs are currently contained in various chapters of Title 28A RCW.

Summary of Bill: The RCW sections constituting the Basic Education Act of 1977 are recodified into a new chapter of 28A RCW. The statutes regarding the educational programs that have been held by the courts to be part of the state's basic education obligation, in addition to those set forth in the BEA, are also recodified into the new chapter of 28A RCW.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Early Learning & K-12 Education): Removes the intent clause and makes a technical correction.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The discussion of what basic education is can be tricky. It's a transparency issue. This allows us in one chapter to have the transparency needed so we can connect all of the legal boxcars. When changes are made, it will be easier to see those changes.

Persons Testifying: PRO: Representative Anderson, prime sponsor.